

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Angel Pastor Doss,

Plaintiff,

v.

ORDER

Civil No. 15-2804 ADM/TNL

Canterbury Park Racetrack and Card Casino,
Jodie Mikasen, and Wayne Foster,

Defendants.

Angel Pastor Doss, *pro se*.

Larry J. Peterson, Esq., Peterson, Logren & Kilbury, PA, St. Paul, MN, on behalf of Defendant Canterbury Park Racetrack and Card Casino; and Frederick L. Neff, Esq., Neff Law Firm, PA, Edina, MN, on behalf of Defendants Jodie Mikasen and Wayne Foster.

On February 19, 2016, the undersigned United States District Judge heard oral argument on Defendant Canterbury Park Racetrack and Card Casino's ("Canterbury") Motion to Dismiss [Docket No. 11], and Defendants Jodie Mikasen and Wayne Foster's Motion to Dismiss [Docket No. 18].¹

Doss' Amended Complaint [Docket No. 2] suffers from at least three deficiencies that mandate dismissal. First, the Summons and Complaint were not properly served upon any defendant within 90 days after the Complaint was filed. See Fed. R. Civ. P. 4(m). Second, the allegations in the Amended Complaint are untimely; the facts pertaining to the claims against Canterbury occurred in 1998, years beyond any applicable limitations period, and the most recent event connected to the claims against Mikasen and Foster occurred on November 7, 2009.

¹ Plaintiff Angel Pastor Doss did not appear at the hearing or file a memorandum in opposition to the motions to dismiss.

Since Mikasen and Foster have not been properly served, this action has not commenced and the six year limitation period expired on November 7, 2015. Therefore, these claims are now time barred. Finally, Doss' Amended Complaint is facially deficient. The facts alleged in the Amended Complaint do not sufficiently support any of the causes of action Doss asserts. Even when read in the light most favorable to Doss, the averments of the Amended Complaint do not plead a plausible cause of action. See Bell Atl Corp. v. Twombly, 550 U.S. 544, 570 (2007).

Based on the foregoing, and all the files, records and proceedings herein, **IT IS
HEREBY ORDERED** that:

1. Defendant Canterbury Park Racetrack and Card Casino's ("Canterbury") Motion to Dismiss [Docket No. 11] is **GRANTED**;
2. Defendants Jodie Mikasen and Wayne Foster's Motion to Dismiss [Docket No. 18] is **GRANTED**; and
3. The Amended Complaint [Docket No. 2] is **DISMISSED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: February 22, 2016.